

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

CEDRIC BROWN,

Defendant.

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No. 3:19-CR-191-TAV-HBG

MEMORANDUM AND ORDER

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the Court on Defendant Brown's Motion to Continue [Doc. 10], filed on January 8, 2020.

Defendant Brown requests for the Court to continue the February 18, 2020 trial date, as well as the motion and plea deadlines in this case. Defendant Brown asserts that granting a continuance in the present case will serve the ends of justice by providing additional time to complete the investigation in the facts and circumstances of the matter and properly prepare the case for trial. Further, the motion states that counsel has explained the right to a speedy trial to the Defendant, who understands that all time between the filing of the motion and the new trial date will be fully excludable. The motion also relates that the Government does not object to the requested continuance. The parties have conferred with Chambers and agreed on a new trial date of June 23, 2020.

The Court finds the Defendant's motion to continue the trial and other deadlines to be unopposed by the Government and to be well-taken. The Court also finds that the ends of justice served by granting a continuance outweigh the interest of the Defendant and the public in a speedy trial. 18 U.S.C. § 3161(h)(7)(A). The Indictment [Doc. 1] charges Defendant Brown with being a convicted felon in possession of a firearm, two counts of possession with the intent to distribute, and the possession of a firearm in furtherance of a drug trafficking crime. Assistant Federal Defender Benjamin Sharp relates that he needs additional time to resolve pretrial matters and to prepare the case for trial. The Court finds that without a continuance, defense counsel would not have the reasonable time necessary to prepare for trial, despite counsel's exercise of due diligence. *See* 18 U.S.C. § 3161(h)(7)(B)(iv).

Accordingly, Defendant's unopposed motion [**Doc. 10**] to continue the trial date is **GRANTED**, and the trial is reset to **June 23, 2020**. The Court finds that all the time between the filing of the motion for a continuance on **January 8, 2020**, and the new trial date of **June 23, 2020**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein. *See* 18 U.S.C. § 3161(h)(1)(D) & -(7)(A)-(B). With regard to additional scheduling in this case, the deadline for filing pretrial motions is extended to **March 16, 2020**. Responses to pretrial motions are due on or before **March 30, 2020**. The parties are to appear before the undersigned for a final pretrial conference on **June 9, 2020, at 1:30 p.m.** This date shall also be the deadline for concluding plea negotiations and providing reciprocal discovery. The Court instructs the parties that all motions *in limine* must also be filed no later than **June 8, 2020**. Special requests for jury instructions shall be submitted to the District Judge no later than **June 12, 2020**, and shall be supported by citations to authority pursuant to Local Rule 7.4.

Accordingly, it is **ORDERED** as follows:

- (1) The Defendant's Motion to Continue [**Doc. 10**] is **GRANTED**;
- (2) The trial of this matter is reset to commence on **June 23, 2020, at 9:00 a.m.**, before the Honorable Thomas A. Varlan, United States District Judge;
- (3) All time between the filing of the motion on **January 8, 2020**, and the new trial date of **June 23, 2020**, is fully excludable time under the Speedy Trial Act for the reasons set forth herein;
- (4) The deadline for filing pretrial motions is extended to **March 16, 2020**. Responses to pretrial motions are due on or before **March 30, 2020**;
- (5) The parties are to appear before the undersigned for a final pretrial conference on **June 9, 2020 at 1:30 p.m.** This date is also the deadline for concluding plea negotiations and for providing reciprocal discovery;
- (6) The Court instructs the parties that all motions *in limine* must be filed no later than **June 8, 2020**; and
- (7) Special requests for jury instructions shall be submitted to the District Judge no later than **June 12, 2020**, and shall be supported by citations to authority pursuant to Local Rule 7.4.

IT IS SO ORDERED.

ENTER:


United States Magistrate Judge